IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE TWENTIETH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.5122 OF 2006

Between:

Redicherla Vengamma … Petitioner

Versus

The District Collector,

Chittoor,

Chittoor district & Ors. … Respondents

Counsel for the Petitioner : Sri Bobba Vijayalakshmi

Counsel for the Respondents: GP for Revenue

O R D E R :

The case of the petitioner is that an extent of Acs:4-86 cents of land in survey no.408/4 situated in Karkambadi village of Tirupati Rural Mandal, Chittoor district was assigned in favour of her husband, late Sri R.Subbanna under 'D' Form Patta vide DKT.No.422/4/1985 dated 31-5-1981 by the-then Tahsildar of erstwhile Chandragiri taluq, Chittoor district. After the death of Subbanna, the petitioner is in possession and enjoyment thereof and cultivating the said land.

It is stated that though none of the terms and conditions of DKT Patta and the provisions of A.P. Assigned Land (Prohibition of Transfer) Act, 1977 have not been violated, the respondents without issuing any notice and without following due process of law are threatening the petitioner to dispossess from the land in question.

On instructions, the learned Government Pleader submits that the land in survey no.408/4

admeasuring Acs:12-55 cents is classified as assessed waste dry as per village account Karkambadi and no assigned pattas were granted as per the village account and the entire land is lying waste and it is exclusively under the possession and enjoyment of the Government.

It is stated that the lands in survey nos. 392 to 414 of Karakambadi village are covered under Settlement dispute pending before the Joint Collector-cum-Settlement Officer, Chittoor, vide Fl/P3/1610/99 on remand by the CCLA vide Proceedings No.P3/1610/99, dated 17-12-2003.

It is also stated that the orders of CCLA have also been challenged by the claimants before this court in WP.No.3095 of 2005 which is still pending on the file of this court.

I am not inclined to express any opinion with regard to the pendency of the said writ petition and the case before the Joint Collector-cum-Settlement Officer, Chittoor.

Having regard to the facts and circumstances of the case, the petitioner being the original assignee has filed a copy of DKT patta no.422/4/1985, it is just and proper for the respondents 2 and 3 to cause enquiry into the matter and take appropriate action on merits and in accordance with law and without issuing any notice, the petitioner shall not be dispossessed from the land in question.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 20th, 2006. ----------

I s L. V. ESWARAIAH , J.